

AN ORDINANCE OF THE CITY OF FRISCO, TEXAS, AMENDING FRISCO'S COMPREHENSIVE ZONING ORDINANCE NO. 93-07-11; GRANTING A SPECIFIC USE PERMIT FOR THE OPERATION OF A PRIVATE CLUB IN CONJUNCTION WITH THE OPERATION OF A RESTAURANT LOCATED ON A TRACT OF LAND SITUATED IN THE STEPHEN COOMBS SURVEY, ABSTRACT NO. 218, IN THE CITY OF FRISCO, COLLIN COUNTY, TEXAS, CONTAINING 0.069 ACRES MORE OR LESS; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE AND COMPREHENSIVE ZONING ORDINANCE NO. 93-07-11; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the City Council of the City of Frisco, Texas (the "City Council"), has investigated and determined that the Comprehensive Zoning Ordinance No. 93-07-11 should be amended and pursuant to a notice being duly posted according to law, conducted a public hearing wherein a request was made by Tin Star Restaurant ("Applicant"), to allow a Specific Use Permit for a Private Club in conjunction with the operation of a restaurant on a tract of land zoned Planned Development-25. The tract of land is situated in the Stephen Coombs Survey, Abstract No. 218 the City of Frisco, Collin County, Texas ("Frisco"), containing 0.069 acres more or less, and being particularly described in Exhibit "A", attached hereto and incorporated herein for all purposes; and

WHEREAS, the City Council finds that Applicant has agreed to comply with all provisions of the ordinances of Frisco, including but not limited to Frisco's Comprehensive Zoning Ordinance No. 93-07-11 and any amendments thereto, and has further agreed to comply with the additional restrictions set forth herein and the attached site plan; and

WHEREAS, the City Council has investigated and determined that it would be advantageous and beneficial to the citizens of Frisco to grant the Specific Use Permit, and that such grant will not be detrimental to the public welfare, safety or health, and that the Specific Use Permit should be granted.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS:

SECTION 1: Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2: Specific Use Permit Granted. Applicant is granted a Specific Use Permit to allow the operation of a Private Club in conjunction with the operation of a restaurant on a tract of land zoned Planned Development-25. The tract of land is situated in the Stephen Coombs Survey, Abstract No. 218, in the City of Frisco, Collin County, Texas, containing 0.069 acres more or less and being particularly described in Exhibit "A", attached hereto and incorporated herein for all purposes. The site shall be developed in compliance with the conditions expressly stated in the site plan attached hereto as Exhibit "B", and incorporated herein for all purposes as set forth verbatim.

SECTION 3: Failure to Comply/Assignable and Transferable. Except as otherwise stated above, all terms of the Specific Use Permit shall be complied with prior to issuance of a certificate of occupancy. Failure to comply with any term or condition of this Ordinance, or Frisco's Comprehensive Zoning Ordinance No. 93-07-11, as it exists or may be amended, will result in the Specific Use Permit being declared null and void and of no force and effect. The Specific Use Permit is issued to the person named above and is assignable and transferable.

SECTION 4: Specific Use Permits Regulations. Upon holding a properly notified public hearing, the City Council may amend, change, or rescind a specific use permit if:

1. There is a violation and conviction of any of the provisions of this ordinance or any ordinance of the City of Frisco that occurs on the property for which the Specific Use Permit is granted;
2. The building, premise, or land used under a Specific Use Permit are enlarged, modified, structurally altered, or otherwise significantly changed unless a separate Specific Use Permit is granted for such enlargement, modification, structural alteration, or change;
3. Violation of any provision of the terms or conditions of this Specific Use Permit;
4. Ad valorem taxes on the property are delinquent by more than six (6) months; or
5. The Specific Use Permit was obtained by fraud or with deception.

SECTION 5: Compliance/Specific Use Permit Effective Date. The Applicant shall comply with all terms and conditions of the ordinances of Frisco, including but not limited to, Frisco Comprehensive Ordinance No. 93-07-11, as it exists or may be amended. Applicant shall, in the operation of the private club, further comply with the restrictions set forth herein. This Specific Use Permit shall be effective from and after the effective date of this Ordinance.

SECTION 6: Unlawful Use of Premises. It shall be unlawful for any person, firm or corporation to make use of the above-referenced tract of land in some manner other than as authorized by this Ordinance or other applicable Ordinances.

SECTION 7: Penalty. Any person, firm or corporation who violates any provision of this Ordinance or Frisco's Comprehensive Zoning Ordinance No. 93-07-11, or as amended, shall be deemed guilty of a misdemeanor, and upon conviction therefore, shall be fined in a sum not exceeding Two Thousand Dollars (\$2,000.00). Each continuing day's violation under this ordinance shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude Frisco from filing suit to enjoin the violation. Frisco retains all legal rights and remedies available to it pursuant to local, state, and federal law.

SECTION 8: Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Frisco hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

SECTION 9: Conflicting Ordinance. All ordinances in conflict herewith are repealed to the extent they are in conflict. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 10: Effective Date. This Ordinance shall become effective from and after its adoption and publication as required by the City Charter and by law.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FRISCO,
TEXAS on this ____ day of _____ 2000.

KATHLEEN A. SEEL, Mayor

ATTESTED AND CORRECTLY
RECORDED:

APPROVED AS TO FORM:

NAN PARKER, City Secretary

ABERNATHY, ROEDER, BOYD & JOPLIN, P.C.
RICHARD M. ABERNATHY
City Attorney

DATE OF PUBLICATION: _____, FRISCO ENTERPRISE

EXHIBIT A

LEGAL DESCRIPTION TIN STAR RESTAURANT 0.069 ACRE TRACT

BEING all that tract of land in the City of Frisco, Collin County, Texas, a part of the STEPHEN COOMBS SURVEY, ABSTRACT NO. 218, and being a part of that 125.4941 acres tract of land conveyed to Briar Preston Ridge Partners, L.P. from Gaylord Properties, L.P. on December 30, 1997, as recorded in Volume 4070, Page 83, Collin County Deed Records, and being a part of Lot 4, Block A, The Centre at Preston Ridge, an addition to the City of Frisco as recorded in Cabinet M, Page 69, Collin County Plat Records, and being further described as follows:

Commencing at a 5/8 inch iron rod found at the intersection of the future west right-of-way line of Preston Road (a variable width right-of-way) with the south right-of-way line of Warren Parkway (a variable width right-of-way);

THENCE South 06 degrees 01 minutes 03 seconds West, 450.52 feet to the POINT OF BEGINNING of this tract of land;

THENCE South 25 degrees 23 minutes 05 seconds East, 2.19 feet to a point for corner;

THENCE South 21 degrees 12 minutes 31 seconds East, 16.15 feet to a point for corner;

THENCE South 17 degrees 02 minutes 25 seconds East, 2.50 feet to a point for corner;

THENCE South 12 degrees 43 minutes 14 seconds East, 16.15 feet to a point for corner;

THENCE South 08 degrees 31 minutes 12 seconds East, 2.50 feet to a point for corner;

THENCE South 04 degrees 15 minutes 44 seconds East, 16.15 feet to a point for corner;

THENCE South, 0.22 feet to a point for corner;

THENCE West, 1.78 feet to a point for corner;

THENCE North, 1.77 feet to a point for corner;

THENCE West, 60.19 feet to a point for corner;

THENCE North, 50.29 feet to a point for corner;

THENCE East, 1.57 feet to a point for corner;

THENCE North, 1.91 feet to a point for corner;

THENCE East, 47.76 feet to the POINT OF BEGINNING and containing 3,000 square feet or 0.069 acres of land.